

D) REMARKS:

The Examiner rejected claims 1, 2, 11 and 12 under 35 U.S.C. §102(b) on the grounds that they are anticipated by Farley. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

The device to Farley is a two-piece showerhead having a water filter element held therein. More specifically, the water filter assembly 10 of Farley includes a body 20 "preferably" having mating portions in the form of top and bottom halves 22, 24.¹ When the top and bottom halves 22, 24 are assembled, as "by being screwed together, the filter element 38 is held within the internal chamber formed therein."² Thus, the filter element 38 of Farley can only be changed by unscrewing the top and bottom halves 22, 24, removing the filter 38, replacing or refilling the filter 38, and then screwing the top and bottom halves 22, 24 together again. Applicant respectfully submits that the Farley showerhead does not anticipate the device of the present invention. Farley discloses and claims a removable bottom half and a removable filter. To the contrary, the only removable and replaceable element in the present device is the filter itself. Furthermore, the filter is insertable within a cavity that is defined within the showerhead. Claims 1 and 11 have been amended to more clearly distinguish these features from Farley. As amended, claims 1 and 11 are believed to contain clearly allowable subject matter.

¹ Farley at Col. 2, Lines 44-47.

² *Id.*, at Col. 3, Lines 61-65.

Claims 2 and 12 depend from claims 1 and 11, respectively. Claim 2 has been cancelled and its subject matter incorporated into base claim 1. Claim 12 has also been amended to make it further distinguishable from Farley. In view of the foregoing, claim 12 is also believed to contain allowable subject matter and allowance is respectfully requested.

The Examiner also rejected claims 3 through 5 under 35 U.S.C. §103(a) as being unpatentable over Farley in view of Douglas. Claim 5 has been cancelled and its subject matter incorporated into claim 1.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or reference when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that Douglas suffers from the same shortcomings as did Farley. That is, Douglas requires that the item identified by the Examiner as the "inner casing"³ which Douglas identifies as a filter stabilizing assembly 114⁴, and the filter cartridge 32 that it holds, be accessed only by a virtual "tear-down" or disassembly

³ Office Action at page 4.

⁴ Douglas at Col 5, Lines 4-5.

of the complete system 20. As shown in Figs. 1, 5 and 6 of Douglas, the intermediate housing 24 must be completely detached from the upper housing 22 to gain access to the "inner casing" 114 and filter 32. There is no hint or suggestion in Douglas that the filter 32 be removable without the aforementioned disassembly. Therefore, neither prong of the test for obviousness is met with respect to the citation of Farley in view of Douglas as it relates to claims 3 and 4. Accordingly, it is believed that those claims are in condition for allowance as well, particularly in view of the amendment to their base claim 1.

The Examiner next rejected claims 6 through 10 under 35 U.S.C. §103(a) as being unpatentable over Farley in view of Douglas as applied to claim 5 and further in view of Groezinger. It is respectfully submitted that Groezinger suggests virtually any container of any sort that could be attached to another item of any sort. Applicants also respectfully submit that Groezinger teaches nothing more to the art than what the attachment of a baby bottle to a baby bottle nipple cover does. It is one member rotatably connecting to another. Applicant concedes that such is old art. In fact, the rotatably detachable members of Farley and Douglas, as discussed above, could each be said to teach the same thing. They do not, however, teach or suggest the attachment of a *filter only*. The citation to Groezinger could be argued to be made on the suggestion that the "gaps" in Farley and Douglas can somehow be "filled" by what is fairly taught or suggested by Groezinger. Applicants respectfully submit that Groezinger does not teach a filter *by itself*, let alone a filter that is received *within the housing* such that water passing through the housing is filtered by means of the *internally housed filter*. Groezinger teaches an externally attached filter *that is contained within yet*

another housing 24. In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Additionally, all words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Accordingly, Groezinger is not a reference from which one would learn much if one were attempting to devise the apparatus of the present invention. It clearly fails to meet the two prongs of obviousness as cited above. Additionally, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). In view of the foregoing, and the claim amendments previously referred to, it is respectfully submitted that claims 6 through 10 are in condition for allowance as well.

The Examiner next rejected claims 13 through 17 under 35 U.S.C. §103(a) as being unpatentable over Farley in view of Groezinger. In view of the foregoing, and the amendment to claims 11 and 12, it is respectfully submitted that claims 13 through 17 are in condition for allowance and allowance is respectfully requested.

The Examiner next rejected claims 18 through 20 under 35 U.S.C. §103(a) as being unpatentable over Farley in view of Groezinger as applied to claim 14 and further in view of Douglas. In view of the foregoing, and the amendment to claims 11 and 12, it is respectfully submitted that claims 18 through 20 are in condition for allowance and allowance is respectfully requested for those claims as well.

The Examiner objected to claim 21 as being dependent upon a rejected base claim, but also indicated that claim 21 would allowable if rewritten in independent form

to include all of the limitations of the base claim and any intervening claims. Claim 21 has not been amended. However, in view of the amendment of claims 11, 12 and 18, claim 21 is believed to be allowable in its present form.

Only the applicants had the ingenuity to provide a novel filter assembly that is quickly and releasably engageable with a showerhead. Only the applicants had the wit to provide the structure that accomplishes the intended result. For their contribution, they are entitled to a patent. Reconsideration and reexamination is respectfully requested.

Respectfully submitted,
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